

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARGARET LUERA,)	
)	
Plaintiff,)	No. C08-0161 RAJ
)	
v.)	STIPULATION AND ORDER
)	REQUIRING THE RETURN OF
BANK OF AMERICA CORPORATION and)	PRIVILEGED AND/OR
BANK OF AMERICA, N.A., Delaware)	PROTECTED DOCUMENTS AND
Corporations,)	INFORMATION
)	
Defendants.)	

STIPULATION

In the interests of streamlining discovery and avoiding unnecessary conflicts between the parties, the parties hereby agree to entry of the following order requiring the return of privileged and/or protected documents and information.

DATED this 18th day of November, 2008.

MACDONALD HOAGUE & BAYLESS
Attorney for Plaintiff
Margaret Luera

DAVIS WRIGHT TREMAINE LLP
Attorneys for Defendant
Bank of America, N.A.

By s/Andrea Brenneke
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STIPULATION AND ORDER REQUIRING THE RETURN
OF PRIVILEGED AND/OR PROTECTED DOCUMENTS
AND INFORMATION– 1
(C08-0161 RAJ)

DWT 11611916v5 4900000-000905

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**ORDER REQUIRING THE RETURN OF PRIVILEGED AND/OR PROTECTED
DOCUMENTS AND INFORMATION**

In the interests of streamlining discovery and avoiding unnecessary conflicts between the parties, and with the consent of all parties, it is hereby Ordered as follows:

If during the course of this case, a producing party produces a document or any other piece of information, including electronically stored information, that the producing party thereafter claims to be privileged or protected, the producing party will give notice thereof to the receiving party in writing including a privilege log. Within 10 days, the party receiving the notice will return, sequester, or destroy the documents or other pieces of information pursuant to Fed.R.Civ.Pro. 26(b)(5)(B). If the receiving party has disclosed the information to others before being notified of the claim of privilege or protection, the retrieving party must take reasonable steps to retrieve and return or destroy the disclosed information.

Either party may file a motion regarding the privileged status of the document(s), but the party claiming the privilege bears the burden of proving the privilege. The receiving party shall not make any claim that the production of the document alone effected a waiver of any privilege or protection, but may make other waiver claims related to the particular facts and circumstances at issue, with the document. Moreover, absent a ruling that the document or information at issue is not privileged or protected, a receiving party may not disclose nor make any use whatsoever of the information disclosed in or derived from the document or information at issue, unless it is done pursuant to CR 26(b)(5)(B) or *in camera* with notice to the Court that the privileged status of the document is at issue.

STIPULATION AND ORDER REQUIRING THE RETURN
OF PRIVILEGED AND/OR PROTECTED DOCUMENTS
AND INFORMATION– 2
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1 In the interests of effectuating this order and protecting the efficient process of
2 discovery in this Court, the Court further rules that productions during the course of this
3 case of materials or information claimed to be privileged or protected and sought to be
4 reclaimed by the parties to this case under this paragraph shall not be used as grounds by
5 any third party to argue that any waiver of privilege or protection has occurred by virtue of
6 any production in this case.

7 DATED this 21st day of November, 2008.

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11 The Honorable Richard A. Jones
12 United States District Judge
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23 STIPULATION AND ORDER REQUIRING THE RETURN
OF PRIVILEGED AND/OR PROTECTED DOCUMENTS
AND INFORMATION– 3
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